

**BOARD OF DIRECTORS – ACTION SUMMARY**  
**Wednesday, June 22, 2005 – 6:00 p.m.**

**Administration Building**  
**2101 Hurley Way, Sacramento, CA**

**CALL TO ORDER**

The meeting was called to order by President Granados. Board Members present: Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Director Goold, absent. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

**PLEDGE TO FLAG**

**PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA**

Fire Chief Martinez addressed the Board and announced his departure from the District, effective October 20, 2005. A transition process is in progress. He thanked his staff and everyone in attendance.

Deputy Chief Dennis Plessas also announced his departure at the end of October to coincide with the Fire Chief.

General Counsel Don Price announced his departure from the District and stated the second meeting in August would be his last meeting.

Assistant Chief Jim Hartley announced his retirement from the District with a departure date in close proximity with the Fire Chief in October.

Karl Bik, a former candidate for Director of Division 8, spoke in support of the Sacramento Metropolitan Fire District Directors stating they have some hard work ahead and are doing a great job.

**CONSENT AGENDA:**

- 1. Board Meeting Action Summary—May 25, 2005**
- 2. Board Meeting Action Summary—June 8, 2005**
- 3. Fiscal Document/County of Sacramento-Updated District Signatory List**

- **Board Action:**  
*Kelly/Lawson—approve Consent Agenda. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.*

**ACTION ITEM(S)****1. Resolution No. 22-05—Provide Medical Coverage Benefits Subsidy for Former SCERS Employees—(Appel)**

- Director Valley declared a conflict of interest.
- The Board was provided with information at its last meeting relative to the medical coverage subsidy the District has been paying the past fiscal year for former members of the Florin and North Highlands Fire Protection Districts. In accordance with Board direction, the District will continue its medical coverage subsidy for the annuitants with an evaluation for adequacy every five years, beginning July 1, 2010, to determine any necessary adjustment.
- Staff recommends adoption of the resolution.
- **Board Action:**  
*Duveneck/Jones—adopt the Resolution. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, AYE. Director Valley, abstaining. Director Gould, absent. Motion passed.*

Lynn Frost, representing the retired Florin employees, thanked the Board for their consideration.

Captain Monahan, Vice President of Local 522, thanked the Board for their continued support and ensuring that people are taken care of in their retirement years.

**2. Board Clerk's Contract—(Granados)**

- President Granados stated the final Employment Agreement for the Board Clerk has been reviewed by General Counsel Price.
- Counsel Price stated four items were faxed to the Board, which included a contract, two Job Descriptions, and a Side Letter for the Chief's contract. Subsequent to the faxed copies, an issue not discussed by the Executive Committee was included in his final contract of June 22, 2005, following discussion with the Board Clerk. In Section 6, the last sentence was added, "The severance pay only applies if the termination of the contract is for something other than cause."

- President Granados stated the salary increase is consistent and comparable to the JPA Administrative Assistant. The Executive Committee recommended approval for referral to the full Board.
- There was considerable discussion on the two Job Descriptions submitted: a new Job Description applicable to the Board Clerk and the current Board Clerk Chief's Secretary Job Description.
- Director Duveneck voiced strong concerns over the reassignment of the Board Clerk, her salary, and the job description.
- It is a three-year contract term effective May 25, 2005, to be extended on an annual basis upon expiration unless either party provides written notification to the other at least 180 days prior to its expiration of a desire to terminate or change the Agreement.
- For the record in response to Director Lawson, Counsel Price stated that Board Clerk Tilson had a contract which expired in 2003.
- **Board Action:**  
*Engellenner/Kelly—approve the Board Clerk's contract. Directors Engellenner, Granados, Kelly, Lawson, Trujillo, Valley, AYE. Directors Duveneck, Jones, NO. Director Goold, absent. Motion passed.*

### 3. Board Clerk's Job Description—(Granados)

- President Granados clarified for the record that he made an inadvertent error during the Executive Committee meeting relative to identification of the Board Clerk's Job Description. Two Job Descriptions were presented but the new job description [effective date May 25, 2005] basically reflects the responsibilities of the Board Clerk – the other one does not. The new Job Description is recommended for approval to the full Board.
- Discussion included agreed upon modifications to the new Job Description as follows:
  - **CHARACTERISTICS:** Second sentence -"The position represents the Board of Directors . . ." changed to, "*The Board Clerk works as a liaison between the Board of Directors . . .*"
  - **ESSENTIAL FUNCTIONS:**
    - 4. Addition at end of sentence— "*. . .and the Fire Chief.*"
    - 6. Addition at end of sentence— "*. . .in conjunction with the Fire Chief.*"
  - **MINIMUM QUALIFICATIONS:**  
Experience: Ten (10) years changed to "*Five (5)*"...
- **Board Action:**  
*Lawson/Trujillo—approve the job description as amended. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion passed.*

**4. Side Letter for Fire Chief's Contract—(Price)**

- As a result of the Board electing to contract directly with the Board Clerk, and to supervise the Board Clerk as a collective Board through the Executive Committee, the Letter of Understanding effective May 25, 2005, relieves the Fire Chief of supervisory, management, or other responsibility for the activities or performance of the Board Clerk.
- **Board Action:**  
*Kelly/Lawson—Approve the side letter as submitted. Directors Duveneck, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Engellenner, NO. Director Goold, absent. Motion passed.*

**5. Maintenance of Board Records—(Granados)**

- This issue was discussed at the Executive Committee meeting relative to better security for Board records.
- Fire Chief Martinez had some concerns with maintenance in particular of the audio tapes stored in a fire cabinet in the Board Clerk's Office rather than a media safe.  
  
He recommended moving the media safe into the Board Clerk's office to solve the issue and moving Board Clerk Tilson into a bigger office to accommodate the safe and other equipment.
- Director Kelly noted that the Executive Committee saw no problem with the media safe existing in its current location.
- Director Trujillo stated there was no need to move the Board Clerk since she was comfortable with her office and had no problem with accessibility to the media safe in its current location and the scanner equipment located next to her office.
- **Board Action:**  
*General consensus that Board President Granados and Fire Chief Martinez work together on space planning to secure Board records.*

**6. Defining the Scope of Work for External Audit—(Granados)**

- Scope of work for an external audit to be developed starting with the Helicopter Program. Audit to include a needs assessment and cost analysis of the operation to resolve any issues in question.
- Director Trujillo suggested partnering with other agencies to support the helicopter program on a cost-sharing basis and compensation for use outside of the District.
- **Board Action:**  
*General consensus that Fire Chief Martinez work with staff on the scope of work and bring back a report for the next Board meeting.*

**7. Independent Legal Counsel for the Board—(Engellenner)**

- Item removed from the Agenda.

**8. Excess Workers' Compensation Insurance—(Appel)**

[Taken Out of Order]

- The cost of purchasing excess insurance coverage for the District's Self-Insured Workers' Compensation program for 2005/06 does not transfer sufficient loss risk to warrant the expenditure.
- Due to insufficient risk transfer offered by the proposals, staff recommends the District not purchase Excess Workers' Compensation Insurance for Fiscal Year 2005/06; increase the District's Workers' Compensation Reserve Account to \$4 million by following staff's April 28, 2004, funding recommendations augmented, if necessary, from other 2004/05 fund balance.
- **Board Action:**  
*Engellenner/Duveneck—approve the staff recommendation. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion passed.*

**9. 2005 Workers' Compensation Program Claims Audit—(Appel)**

[Taken Out of Order]

- The Bragg & Associates audit rated "Exceptional" at 90%, the highest possible score in the Susan Wright and Associates system. Additionally, the District's Workers' Compensation costs are significantly less than those of the State Compensation Insurance Fund and the Fire Association Self Insurance System.

- Staff recommends the Workers' Compensation Claims Administration Audit of 2005 be accepted and filed as submitted by Susan Wright and Associates; and direct staff to begin negotiations with Bragg and Associates for the renewal of their Workers' Compensation Third Party Administrator (TPA) contract.
- In response to Director Lawson, Deputy Chief Appel stated this program covers everyone associated with the District to include all employees, reserve firefighters, and the Board of Directors—approximately 800.
- **Board Action:**  
*Engellenner/Kelly—approve the staff recommendation. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion passed.*

#### 10. Bid Award – Type IV Wildland Units—(Ritter)

- Bids for two Type IV Wildland Units were received from the following vendors:

<u>Dealer</u>	<u>Price</u>	<u>Tax</u>	<u>Total Price</u>
Placer Fire Equipment	\$141,635.00	\$10,976.71	\$152,611.71
Golden State Fire	\$146,560.57	\$11,358.44	\$157,919.02
Hi-Tech Fire Apparatus	Declined to Bid		
West-Mark	Declined to Bid		
Ferrara Fire Apparatus	No Response		
Westates	No Response		

- Staff recommends the Board authorize the purchase of two Type IV Wildland Units from Placer Fire Equipment Inc., the lowest responsible bidder, in the amount of \$305,223.42 including sales tax and discounts.
- **Board Action:**  
*Kelly/Engellenner—approve the staff recommendation and authorize the purchase from Placer Fire Equipment. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion passed.*

**ADDITION TO THE AGENDA**

Counsel Price stated two matters came to his attention since the posting of the Agenda and requested addition of the following to the Closed Session:

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to California Government Code Section 54956.9(b) – Two (2) Cases

- Board Action:  
*Valley/Kelly—approve addition to the Closed Session. Directors Duveneck, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Engellenner, NO. Director Goold, absent. Motion carried.*

**RECESS TO CLOSED SESSION 6:38 PM**

[Taken Out of Order following Action Items #1, #8, #9 and #10]

**RECONVENE TO OPEN SESSION 7:30 PM**

Report by General Counsel Price:

The Board was advised of potential facts regarding two matters. No action was taken.

**11. Backfill Vacancy Caused by California Military Department Interjurisdictional Agreement—(Martinez)**

- Fire Chief Martinez stated under normal circumstances, the vacancy created by the California Military Interjurisdictional Agreement is backfilled by promotions.

He provided some material to the Board to include the Position Authorization Documents adopted with the budgets of 2004 and 2005 and a May 2005 Payroll Summary reflecting the Actual/Approved/Change from Previous Month number of personnel.

As a matter of practice, personnel are promoted from the list in effect when a vacancy occurs. He requested Board direction on whether or not to backfill the position.

- Captain Monahan, Local 522, stated the Union's position is to promote consistent with past practice in filling an open position; but if a position is created, it is up to the Board to decide.

- Both Karen Klinger and Bill Berry expressed disappointment on the retirement of Fire Chief Martinez and management of the District.
- **Board Action:**  
*Trujillo/Kelly—vote to not backfill for the Homeland Security position. Directors Engellenner, Granados, Kelly, Lawson, Trujillo, AYE. Directors Duveneck, Jones, Valley, NO. Director Goold, absent. Motion passed.*

## PRESENTATION ITEM (S)

[Taken Out of Order]

### 1. Sacramento Regional Office of Homeland Security—(Holbrook/Smith)

Mike Smith, Director of the Sacramento Regional Office of Homeland Security, gave a PowerPoint presentation and provided an update on their program.

The Sacramento Regional Office of Homeland Security (SROHS) was established to prevent mass destructive events (MDE) from occurring and to enhance regional MDE response capabilities.

#### **Background History**

- Formation of the Terrorism Early Warning Group in October 2000; 2001—Joint Powers Training Authority was enacted; 2003—establishment of the State Homeland Security Grant Program, Sacramento Urban Area Security Initiative (UASI), and the Sacramento Regional Office of Homeland Security.

#### **Training**

- In 2004, training was provided to approximately 3,000 Emergency responders, with continuing expansion in 2005 and 2006.

#### **Planning**

- SROHS is coordinating Terrorism Operations Planning to include among others: Olympic trials 2004; special events; developing Regional Terrorism Response Plans; published Sacramento Regional Homeland Security Strategy; formed Tactical Commanders Group; performed assessments of critical infrastructure sites; established partnerships and outreach with regional schools and private industry; the TALON website in partnership with the FBI; manage Homeland Security and UASI grants.

#### **Equipment**

- Coordinated equipment purchases to support the regional strategy
- Interoperable communications
- Regional Reverse 911
- SCBA purchase for regional fire agencies
- PPE for Emergency Responders

**Exercise**

- Developed a three-year exercise plan
- Involved in multiple exercises
  - USAA
  - Apple Shield
  - Bioterrorism Tabletop
  - Golden Guardian in November 2005

**Initiatives**

- - Competitive Training Grant
  - McClellan Park -- Tactical Village/FBI Live Fire House.
  - Building 600 – Urban Area Working Group; RTTAC; Terrorism Training Center; Incident Command Center; FBI Cyber Crime Task Force.

**PRESIDENT'S REPORT—(Granados)**

- Crews from Station 63 and Medic 32 responded yesterday to an incident at Aerojet and took very good care of two injured employees.  
  
Medic 65 responded on a separate incident and did an outstanding job.
- Surprised with the announced retirements.
- Finance Director Houghton did a good job in explaining the budget process. Need to focus on the budget, resolve the issues and move forward.
- Thanked Fire Chief Martinez for the opportunity to work with him.

**FIRE CHIEF'S REPORT—(Fire Chief Martinez)**

- Distributed reports to the Board: Sick Leave Usage and Cost; Vehicle Assignments by Division; Expenditures for the Remodel of Station 115; Expenditures for the Operations Center at Station 115; Fixed Assets – Final Budget 2004-2005, showing an expenditure of \$33,700 for a Generator at Station 115; Action Summary of January 22, 2003 approving emergency purchase of \$79,000 for installation of an HVAC and hot water system at Station 115. Each of the expenditures was done consistent with Board policy and under his authority.
- Board Laptops are available in the conference room tonight for those interested.
- Fire Camp—started June 21 through June 25.

- Referred to an issue in today's newspaper involving the City of Rancho Cordova and the County parks regarding 4<sup>th</sup> of July fireworks. Meeting held today with Supervisors Nottoli and Dickinson, staff members, Council member Budge, Fire Marshal Dobson, and Deputy Chief Plessas to try and resolve the issue.

#### **GENERAL COUNSEL'S REPORT—(Price)**

- A settlement has been reached in the case of James Learmonth vs Sacramento Metropolitan Fire District, WCAB SAC 0324418; SAC 299814 and SAC 305635. Within settlement authority provided by the Board of Directors, staff and Workers' Compensation Counsel have secured a full Compromise and Release of the claims from James Learmonth in the amount of \$24,000.

#### **COMMITTEE AND DELEGATE REPORTS:**

##### **Executive Committee—(Granados)**

- Received presentation on meeting held June 30.

##### **Communications Center Delegate—(Engellenner)**

- Comm Center is preparing for July 4<sup>th</sup>.
- Next meeting: June 28, 2005 – 10:30 AM

##### **California Fire & Rescue Training Authority—(Goold)**

- Next meeting: September 23, 2005 – 10 a.m.

##### **Finance Committee—(Jones)**

- Received presentation.
- Next meeting: July 13, 2005 – 5:00 p.m.

##### **Policy Committee—(Trujillo)**

- Next meeting: July 27, 2005 – 5:00 p.m.

#### **BOARD MEMBER QUESTIONS AND COMMENTS:**

##### **Duveneck:**

- Saddened by those departing and expressed his admiration for their vision and commitment to Metro Fire.

**Engellenner:**

- Need to set a special meeting for the Fire Chief's replacement.

**Kelly:**

- Thanked Fire Chief Martinez, Deputy Chief Plessas, Assistant Chief Hartley, and Counsel Price for their service. Definitely some hard work ahead for the Board. It will be difficult to replace these individuals. Wished them the best of luck in their new endeavors.
- Attended the Fire Recruit Academy graduation ceremony of 24 individuals and it was an outstanding event.

**Jones:**

- Congratulated Fire Chief Martinez for his 30 plus years in the fire service.
- Thanked the Fire Chief and staff for their leadership and demonstration that Metro Fire is an active part of the community in regards to the 4<sup>th</sup> of July activities.
- Requested all Board members receive a copy of the salary listing by title mentioned in discussion by Fire Chief Martinez.

**Trujillo:**

- Thanked Fire Chief Martinez for all his hard work in bringing the District to this point, along with Chiefs Plessas and Hartley, and Counsel Price. Extended best wishes to all.
- For clarification, he voted for the helicopter program. His only concern is information on the actual cost.
- Proud to be a part of the majority in voting – it is called democracy.

**Valley:**

- Fire Chief Martinez, Counsel Price, Chiefs Plessas and Hartley will truly be missed.

**Granados:**

- There is a lot of work ahead. Board members will be contacted for a special meeting to discuss a transition.

**ADJOURNMENT** – Meeting adjourned at 10:05 p.m.

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Gregory A. Granados, President

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Matt Kelly, Secretary

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Charlotte Tilson, Clerk of the Board